

Town of Carlisle

MASSACHUSETTS 01741

Office of
PLANNING BOARD

MINUTES

December 13, 1976

Members Present: Sauer, Hannaford, Bridges, Kulmala, Zielinski, Cutter

Minutes of the November 22 meeting were approved as read.

A letter was received from Waverley Bank withdrawing their recent site plan without prejudice. A new plan is expected.

George Nickerson appeared to introduce himself and to advise the Board that Nickerson Foster, Inc., will buy the Hemlock Hill subdivision from Griecci Brothers on January 10, 1977. In preparation for getting his dollar figures ready for presentation to his bank, Mr. Nickerson asked the Board particularly about the validity of the underground utilities bylaw in his situation. (Article XVIII, Sections 3 and 4) Under ordinary circumstances the Planning Board cannot rule because it is a town bylaw; the Board of Appeals is the place of waiver. Several aspects of this case, however, were discussed. They were (1) the original subdivision plan was approved in 1969 without a stated expiration date; (2) the above bylaw went into effect in 1971; (3) a letter dated June 25, 1976, from Town Counsel expressed his opinion that the bylaws and Planning Board rules and regulations in effect in 1969 would apply and the more stringent bylaws passed since that time would not apply; and (4) a letter of agreement from Greicci dated September 30, 1976, and agreed to by the Planning Board, stated he would conform to all 1974 rules and regulations with a few stated exceptions.

Since Nickerson is bound by the provisions of the September 30 letter of agreement and since the underground utilities question was not covered by it, the Planning Board felt that he is obliged to comply with the 1974 bylaw and the Board has no power to grant a waiver. Nickerson indicated he had no desire to apply for such a waiver from the Board of Appeals.

Nickerson also asked whether the two year time limit would still begin with the September 30 date or would be extended to the January 10, 1977, date of his purchase of the property. The September 30 date will remain effective, but since the Board is only interested to see that the work is proceeding in an orderly manner, an extension in September 1978 should be no problem. Nickerson assured the Board that the full road as shown on the plan would be built before releases of lots are sought and he had no plans for a temporary turnaround in order to gain early release as had Greicci.

Bob Zielinski reported on the progress of the Master Planning Subcommittee in a rewrite of the zoning bylaws to conform to Chapter 808. Professionals are needed at this point and John Brown estimates that it will take four months total, the first phase including possibly two draft versions to be studied by the Planning Board, which work Brown was willing to do for a fixed fee. After that, meetings with the other concerned town boards would be involved and that should be done on a per diem basis. A very rough estimate was stated at \$2500. Zielinski asked whether the Board wished to go further with Brown in order to get a firmer estimate or wanted to talk with other professional planners and it was decided to get a few more names before making a decision on

Because of the time element, Zielinski asked that the Board recommend to the Selectmen that they not move up the date of the Town Meeting from May to April (as other towns in the area are considering) so that the Board not be pressed to complete the bylaw changes. It was decided to write a letter to the Selectmen to this effect.

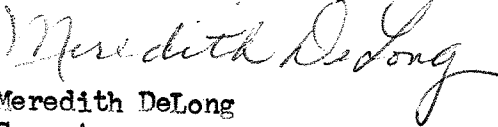
Kay Kulmala read through changes and clarifications to the draft of the Sequence of Events on Special Permits on Wetlands. There was discussion on the time element involved between filing and public hearing. Whereas the Board would wish to shorten the time from 65 days to 35 days to expedite the process for the taxpayer who is planning a relatively small project and which situation the Board expects to see most frequently, it would like to reserve for itself the option to extend this period when a major project requires more time for study in order to reach a reasonable position to present at the hearing. The option for extending the time between public hearing and the actual decision is already provided. After the above provision is written in, the next step will be for the Board to vote on acceptance of these rules.

A plan of land on Estabrook Road showing transfer of 1/2 acre from L. Nelson to A. L. Milliken was approved.

The next meeting of the Board will be held on January 10, 1977.

Meeting adjourned at 10 pm.

Respectfully submitted,


Meredith DeLong
Secretary